Case 19-25478-MBK Doc 53 Filed 05/21/22 Entered 05/23/22 15:35:17 Desc Main

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UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Authorized Agent for Secured Creditor 130 Clinton Road, Lobby B, Suite 202

Fairfield, NJ 07004

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Aleisha C. Jennings (049302015)

In Re:

Jin H. Lee,

Debtor.

Solution of No.

Order Filed on May 21, 2022 by Clerk U.S. Bankruptcy Court District of New Jersey

Case No.: 19-25478-MBK

Chapter: 13

Hearing Date: May 11, 2022

Judge: Michael B. Kaplan

ORDER RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY

The relief set forth on the following pages, numbered two (2) through three (3), is hereby ORDERED.

DATED: May 21, 2022

Honorable Michael B. Kaplan United States Bankruptcy Judge

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Secured Creditor: U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2 ACQUISITION TRUST C/O U.S. BANK TRUST NATIONAL ASSOCIATION

Secured Creditor's Counsel: Michael B. Kaplan

Debtors' Counsel: Robert C. Nisenson

Property Involved ("Collateral"): 8 Grand Street, South Amboy, New Jersey 08879

Relief sought:

Motion for relief from the automatic stay

For good cause shown, it is **ORDERED** that Secured Creditor's Motion(s) is (are) resolved, subject to the following conditions:

- 1. Status of post-petition arrearages:
 - The Debtor has brought the account current.

Funds Held In Suspense \$114.40

Total Arrearages Due \$0.00

- 2. Debtor must cure all post-petition arrearages, as follows:
 - The Debtor has brought the account current.
 - Beginning on <u>June 1, 2022</u>, regular monthly mortgage payments shall be timely remitted to Creditor pursuant to periodic adjustments and any Notice of Payment Change(s) filed on the docket.
- 3. Payments to the Secured Creditor shall be made to the following address(es):

■ Regular monthly payment: <u>Selene Finance</u>, <u>LP</u>

9990 Richmond Ave. Suite 400 South

Attn: BK Dept

Houston, TX 77042

- 4. In the event of Default:
 - Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment should become more than thirty (30) days late or if Debtor(s)

fails to comply with any terms of this Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Order.

- In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, Chapter 7 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Order.
- This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Order.
- 5. Award of Attorneys' Fees:
 - The Applicant is awarded attorney fees of \$350.00 and costs of \$188.00.

The fees and costs are payable:

- Through the Chapter 13 plan.
- 6. In the event Secured creditor has not filed a timely Proof of Claim, Debtor consents to the filing and payment by the Chapter 13 Trustee of any late filed Proof of Claim, subject to the right of the Debtor to file an objection as to the amount.